

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
C.A. No. 3:21-cv-00674-MOC-DSC

BRIAN D. GREEN,

Plaintiff,

v.

SMITH DEBNAM NARRON DRAKE  
SAINTSING & MYERS, LLP,  
JERRY T. MYERS, and  
MELISSA A. TULIS,

Defendants.

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**DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

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NOW COME the defendants Smith Debnam Narron Drake Saintsing & Myers, LLP, Jerry T. Myers, and Melissa A. Tulis ("Defendants"), by and through counsel, and pursuant to Rules 12(f) and 15(a) of the Federal Rules of Civil Procedure, move the Court to strike Plaintiff's First Amended Complaint (Doc. No. 16). Plaintiff does not have a right to amend its Original Complaint (Doc. No. 1) for a second time under Rule 15(a) of the Federal Rules of Civil Procedure without leave of Court or the written consent of the Defendants, and any amendments made in Plaintiff's First Amended Complaint (Doc. No. 16) are futile. The basis for Defendants' motion is set forth more particularly in the Memorandum which is filed contemporaneously herewith.

**WHEREFORE**, Defendants respectfully request the Court strike Plaintiff's First Amended Complaint in its entirety pursuant to Rule 12(f) and Rule 15(a) of the Federal Rules of Civil Procedure.

This the 25<sup>th</sup> day of April, 2022.

/s/ Caren D. Enloe  
Caren D. Enloe  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2022, I placed a copy of the foregoing document in the United States mail, first class postage prepaid, addressed as follows:

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